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#16

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In re Application of : DECISION ON RENEWED
Paul Edmonds :
Application No.: 09/889,911 :
Int. Filing Date: 21 January 1999 :
Priority Date: 21 January 2000 : REQUEST UNDER
Attorney's Docket No.: 09872-002003 :
For: UNIVERSAL INTERFACE FOR VOICE :
ACTIVATED ACCESS TO MULTIPLE :
INFORMATION PROVIDERS : 37 CFR 1.497(d)

This is a decision on applicants' "correspondence" filed on 17 September 2004, which is being treated renewed request under 37 CFR 1.497(d).

BACKGROUND

In a decision from this Office mailed on 03 August 2004, the decision indicated that the request was dismissed because the request did not satisfy item (3) of 37 CFR 1.497(d). The assignee, Openwave Systems, Inc. had not established its ownership of the application accordance with 37 CFR 3.73.

On 17 September 2003, applicant filed the current communication, which included, *inter alia*, a copy of the chain of title of the assignment to Openwave Systems.

DISCUSSION

In regard to item (3), Openwave Systems has submitted the copies of the assignments showing that Openwave Systems is the assignee of the above application. However, a further review of the "Petition by Assignee for Addition of Inventors" reveals that the applicant has not satisfied item (3) of 37 CFR 1.497(d) since Alan Minsk, who is signing on behalf of the assignee, does not have apparent authority because his title is of Director and Patent Counsel. This title is not presumed to be an officer that has authority to sign on behalf of the organization. Note MPEP 1820.

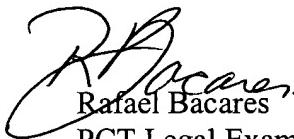
Accordingly, applicant is deemed not to satisfy requirement (3) under 37 CFR 1.497(d).

CONCLUSION

For the reasons above, the request under 37 CFR 1.497(d) is **DISMISSED** without prejudice.

If reconsideration on the merits of this petition is desired, a proper reply must be filed within TWO (2) MONTHS from the mail date of this decision. The failure to provide the proper reply will result in Abandonment of the application. Any reconsideration request should include a cover letter entitled "Second Renewed Request Under 37 CFR 1.497(d)". Extensions of time may be obtained under 37 CFR 1.136(a).

Any further correspondence with respect to this matter should be addressed to the Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration



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